

TESTIMONY OF

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COMMISSIONER

IMMIGRATION AND NATURALIZATION SERVICE

DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON IMMIGRATION AND CLAIMS

U. S. HOUSE OF REPRESENTATIVES

CONCERNING

ALTERNATIVE PROPOSALS TO RESTRUCTURE

THE IMMIGRATION AND NATURALIZATION SERVICE

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Mr. Chairman, and Members of the Subcommittee, today we are hearing from distinguished Members of this body and others who have put forward their ideas for change.

I am also pleased to be here to discuss this critical issue. It is not really about the structure of INS so much as it's about how this nation best manages its immigration policy.

And that is a question which I have grappled with for many years.

First, in the Ford and Carter administrations, where I served in the Justice Department overseeing INS.

Next, for five years in the Reagan administration at INS, serving as Acting Commissioner and as an Executive Associate Commissioner, and then from the sidelines at the Carnegie Endowment. And now, back in the thick of it, as Commissioner for the last four and a half years.

Fortunately, what is most striking about most of the proposals for change is not how different they are, but, in fact, how similar.

All of us basically agree on the diagnosis of INS' problems. We just differ-- in varying degrees--on how to fix them.

It is certainly a question worth struggling over and worthy of a sound and serious debate. Particularly in 1998 and particularly as we approach the next century.

We must answer this important question now.

Why?

Not only because the performance of INS has clearly been impeded by an out-of-date structure that has hampered accountability and professionalism and allowed confusion about roles and responsibilities.

But also because the challenges the nation faces on the immigration front have grown and changed dramatically in the last several years--even since I began my tenure as Commissioner. So much so, that I think it is fair to say that not since the turn of the last century has the administration of the Nation's immigration laws posed so many challenges.

The global economy is increasing the flows of money, people and products across our borders. The opening up of Eastern Europe has led to new sources of immigration--and also new centers of organized crime that smuggle people and contraband into our country.

Social, political and economic changes across the world in the last several years have put tremendous pressures on our borders.

Meanwhile the public policy debate over immigration in our own country helped to create an unprecedented interest in becoming a citizen.

And, as you know, Mr. Chairman, the sweeping 1996 immigration law has created broad new authorities and mandates for INS-- for which we have created 60 new regulations to administer and trained nearly 20,000 employees to implement.

All of these changes have added up to exponentially increasing demands upon the INS for both enforcement and service.

Given the breadth of these changes, the fact that the agency's structure must be consistent with the challenges it faces in the next century and the clear willingness of Members of Congress to take up this issue, I welcome the opportunity to do something about it.

Mr. Chairman you and your colleagues have expressed repeated frustration that INS does not seem to be changing fast enough. As the person in charge of bringing about change, I can honestly tell you, I share that frustration.

The sheer growth of the agency -- having essentially doubled in size in less than five years--demands a change in structure.

Maintaining the status quo is clearly not an option.

The Administration's Process

Last year, Congress asked the Attorney General and I to look at the proposal that the Commission on Immigration Reform put forward to improve the management of the federal immigration system, as well as alternatives, and to report back with a recommendation.

The Attorney General and I saw that request as a real opportunity for INS. And in fact, the Administration seized upon it.

At the President's direction, the Domestic Policy Council reviewed the Commission's proposal and others. Working with OMB and consulting with various Executive branch agencies and immigration experts outside of government, the DPC evaluated reform ideas.

It concluded that the Commission had correctly diagnosed INS' problems, but had not found the right solution for solving them.

To complement that work, the Justice Department hired Booz Allen and Hamilton, a management consulting firm, to help us create a framework for change... to reconstruct the agency in ways that enable INS to vastly improve its enforcement of the law and its service to its customers.

That framework, which I will describe to you today, fundamentally reforms INS to its core.

The plan is sound. It is bold and it is feasible.

While it eliminates the field structure we have today, it keeps immigration functions that must be carefully coordinated together under one roof.

Its hallmark is simple - accountability and results.

Accountability for reporting to a specific supervisor in a streamlined chain of command;

Accountability for treating our customers courteously and efficiently; and

Accountability for producing a clear-cut set of results.

We recognize that structure is not a panacea for all of INS' problems. It can't be. We know we can improve our management practices without structural change, and we must. But we also know that a simplified structure works.

When accountability is built into structure, performance improves.

Let me explain.

The Administration's Proposal

The plan essentially reconstructs INS. It builds a strengthened law enforcement operation and a new service-oriented organization within one agency by splitting enforcement and services functions into two distinct chains of command.

One will concentrate on combating illegal immigration at the border, in the interior and even outside the U.S. in source countries. The other will focus on providing improved services to immigrants and their families in the communities where they live.

We will separate these functions from the top level of the agency in Washington down to the field offices around the country -- with a Commissioner continuing to be responsible for overall agency operations.

We will eliminate the three current regional offices and establish a handful of new, supervisory Enforcement Area or Service Area offices to oversee either local enforcement or service activities throughout the country. This will give these supervisory offices more manageable spans of control and alleviate the current difficulty of overseeing large numbers of staff with too many tasks in too many states. By narrowing the scope of each supervisory office, we will strengthen oversight of the field and improve our ability to coordinate and shift resources among local offices to where the most immediate needs are.

We will also eliminate the 33 district offices and instead, create new, smaller offices designed to perform specialized functions within either the enforcement or service arena. These offices will be located in the cities, towns or rural areas with the greatest enforcement vulnerabilities or service caseloads.

In order to preserve the critical coordination of service and enforcement operations, we will create a "Shared Support" operation to serve as the backbone for their joint administrative and technological needs. For example, both sides must share records --on applicants for immigration services and individuals who have violated immigration laws.

Enforcement Operations

On the enforcement side, we will be better able to handle the inter-related challenges of managing the border, removing criminal and illegal aliens, enforcing worksite laws and dismantling smuggling and phony document rings because we will approach these problems in a fundamentally different way. The new structure will enable us to deal with them with more urgency, with sharper focus, with better trained personnel and with improved coordination.

For example, we will create "Investigations and Removals" offices around the country that will bring investigators, intelligence officers and deportation officers into one component. This will allow us to take a more multi-disciplinary and coordinated approach to increasing removals of criminal and illegal aliens, particularly in the interior of the U.S., taking down more smuggling and fraud rings, as well as better targeting cases with criminal violations in worksites.

Along these same lines, improved coordination among the enforcement disciplines will benefit the operation of the ports of entry, particularly since the role of the ports in stopping illegal activity has increased. We will put the ports clearly in the enforcement chain of command with fewer layers through which they need to report. This will allow better coordination among the ports, as well as with other INS enforcement officers in order to improve their look-outs for criminals and terrorists and to detect fraudulent document and smuggling operations.

The Border Patrol will improve its coordination with investigators, intelligence officers and inspectors on whom they must increasingly rely. This integrated approach will strengthen its hand in the fight against the increasingly sophisticated and well-organized crime syndicates attempting to bring people and contraband across the border.

In the last several years, INS has apprehended and removed record numbers of criminal and illegal aliens-- efforts requiring quick and efficient coordination for transporting individuals and detaining them. The restructuring will improve the logistics of detention and removals by creating a handful of new offices that

will provide "Detention and Enforcement Support" throughout the field --instead of having thirty-some offices each with responsibilities for these functions. These centralized offices will be better able to track open bed space at detention facilities and improve and monitor the conditions in them.

The new field structure is designed to meet the needs of a modern enforcement agency dealing with the kinds of crimes that span the nation and the world.

Immigrant Services

The new customer service structure also addresses the realities of the increasing demands INS has faced for immigration services. Our proposal will enable INS to provide high levels of service at every office across the nation on a consistent basis. Our customers will no longer be advantaged or disadvantaged in dealing with INS based on where they live. Applicants in Charlotte will be able to expect the same standard of service as applicants in San Antonio.

We will establish Customer Service offices around the country, providing an array of functions from fingerprinting to interviewing and located in immigrant communities to make it more convenient for people to access INS.

These offices will have a consistent look and feel nationwide, with clear signs, comfortable waiting rooms and customer friendly hours.

We will develop and train a cadre of service oriented professionals whose performance is rated, in part, on responsiveness to customers. The directors of these offices will be held accountable for ensuring that their staffs meet nationally-established standards for timely processing and courteous service.

Each local facility will be overseen by an office with the ability to move workloads among and between local counterparts in order to ensure that each office can meet its needs.

The new framework also provides high-tech ways for people to receive better service through remote service centers. These centers currently take applications, create electronic records of them, and conduct the pre-processing necessary before an examination is administered. Under the new structure, more work would be shifted to the service centers, thus allowing local offices to focus on core activities which require interaction with customers.

Why One Roof

Some say that all that the INS must do is simply too overwhelming for one agency.

I say these tasks are too interconnected to be handled by more than one agency. Our immigration system has one mission and taking apart the agency will only divide the problems, not solve them. The reasons why are: accountability, synergy and efficiency

Improving accountability is key. And we simply cannot improve accountability by dispersing important functions into different agencies with different priorities, procedures and leadership.

In addition, the enforcement and services functions of the agency are inter-connected and interdependent. Issues like the detection and investigation of document fraud involve both sides of the agency and require careful coordination between them.

There is synergy created by using each side to target these problems since they both share records and common processes. In the last several years, INS has developed and installed a range of sophisticated, integrated technology systems for service provision and enforcement purposes. Recordkeeping systems that four years ago existed only on paper in individual files are being automated and centralized in order to be accessible to any appropriate INS official throughout the country. The federal government should get a full return on the investment we have made in building these common integrated platforms.

Finally, we can strengthen law enforcement and improve customer service far more quickly and efficiently by splitting these functions up within one agency, than by creating entirely new bureaucracies within other organizations.

Conclusion

Mr. Chairman, our restructuring plan is a common sense approach to INS' problems.

It fundamentally changes the way INS conducts business from the top levels of the agency to the smallest offices in the field.

As the person in charge of setting the agency's priorities, I can tell you that now is the time.

When I took over the agency five years ago, it had been so badly neglected that we had to urgently triage a number of problems that had seriously undermined immigration enforcement in this country altogether. As you know, the Southwest border was completely out of control, the asylum system was badly abused and criminals and illegal aliens with deportation orders had little fear of ever actually being deported.

With the Administration's commitment and Congress' support, we have made tremendous progress addressing those urgent illegal immigration problems that face the agency. Now, we can devote attention to fixing the problems inherent in the agency itself.

The difficulties we encountered trying to keep up with the crush of citizenship applications and maintain the integrity of the process was a stark reminder of our need to reassess our management practices and our structure. Under this proposal, naturalization will get the separate care and handling that it requires.

We project that we can begin putting this new structure into place immediately and have it completed within three years. I sincerely hope we will earn your support for moving forward.

As I said earlier, the world has changed, the challenges confronting INS have changed, now we must change too.